

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GOLDEN KRUST PATTIES, INC.,)
GOLDEN KRUST FRANCHISNG, INC.,)
d/b/a GOLDEN KRUST CARIBBEAN)
BAKERY & GRILL,) Civil Action No.: *MANN, M.J.*
Plaintiffs,)
v.)
MARILYIN BULLOCK and)
MARILYN'S PATTIES, INC., d/b/a)
GOLDEN KRUST BAKERY)
Defendants.)
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ORDER TO SHOW CAUSE

Upon the Affirmation of WILLIAM W. FRAME, affirmed on the 11th day of April 2013, the Affidavit of LORRAINE MORRISON, sworn to on the 10th day of April 2013, the Affidavit of STEPHEN AMENT, sworn to on the 10th day of April 2013, the Memorandum of Law in Support of a Temporary Restraining Order and Preliminary Injunction, and upon the copy of the Complaint in this action, it is hereby

ORDERED that the above named Defendants show cause before this Court, at Room _____ of the United States Courthouse, United States District Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, on the _____ day of _____ 2013, at _____ o'clock in the forenoon thereof, or as soon thereafter is counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure, enjoining and restraining the Defendants, MARILYN BULLOCK and MARILYN'S PATTIES, INC., d/b/a GOLDEN KRUST BAKERY, their officers, agents,

servants, employees, attorneys, parents, subsidiaries, and related companies, and all persons acting for, with, by, through or under them, from:

- a. using or displaying in any manner the registered trademarks of the Plaintiff, GOLDEN KRUST PATTIES, INC., specifically: (1) GOLDEN KRUST ®; (2) GOLDEN KRUST CARIBBEAN BAKERY AND GRILL ®, (3) GOLDEN KRUST PATTIES ® (hereinafter the “Golden Krust Trademarks”), related design marks or any colorable imitation thereof at 1717 Dutch Broadway, Elmont, New York 11003, or at any other location;
- b. using in any manner the Golden Krust name or Golden Krust Trademarks in connection with the Defendants’ sale of Caribbean-styled food products or any related products in such a manner that is likely to create the erroneous belief that said products are authorized by, sponsored by, franchised by, or some way associated with the Plaintiffs;
- c. creating, displaying, erecting or printing any signage at or on any building or establishment which signage incorporates the Golden Krust name and/or Golden Krust Trademarks;
- d. using, disseminating or distributing any advertising, menus or other promotional materials that bear the Golden Krust name and/or Golden Krust Trademarks or whose appearance so resembles the Plaintiffs’ intellectual property that it is likely to create confusion, mistake or deception among the general public; and
- e. otherwise engaging in any other acts or conducts which would cause consumers to erroneously believe that the Defendants’ goods or services are somehow sponsored by, authorized by, franchised or licensed or in any other way associated with the Plaintiffs and/or Golden Krust.

f. opening, operating, owning, managing, associating with, or otherwise controlling any restaurant or food service business at 1717 Dutch Broadway, Elmont, New York 11003;

g. opening, operating, owning, managing, associating with, or otherwise controlling any restaurant or food service business within ten (10) miles of the Golden Krust Caribbean Bakery & Grill located at 1717 Dutch Broadway, Elmont, New York 11003; and

h. opening, operating, owning, managing, associating with, or otherwise controlling any restaurant or food service business within five (5) miles of any other Golden Krust Caribbean Bakery & Grill franchise.

SUFFICIENT CAUSE HAVING BEEN SHOWN, IT IS HEREBY FURTHER ORDERED that pending the hearing and determination of Plaintiffs' application for a Preliminary Injunction, the Defendants, MARILYN BULLOCK and MARILYN'S PATTIES, INC., d/b/a GOLDEN KRUST BAKERY, their officers, agents, servants, employees, attorneys, parents, subsidiaries, and related companies, and all persons acting for, with, by, through or under them, are hereby enjoined and restrained from:

a. using or displaying in any manner the registered trademarks of the Plaintiff, GOLDEN KRUST PATTIES, INC., specifically: (1) GOLDEN KRUST ®; (2) GOLDEN KRUST CARIBBEAN BAKERY AND GRILL ®, (3) GOLDEN KRUST PATTIES ® (hereinafter the "Golden Krust Trademarks"), related design marks or any colorable imitation thereof at 1717 Dutch Broadway, Elmont, New York 11003, or at any other location;

- b. using in any manner the Golden Krust name or Golden Krust Trademarks in connection with the Defendants' sale of Caribbean-styled food products or any related products in such a manner that is likely to create the erroneous belief that said products are authorized by, sponsored by, franchised by, or some way associated with the Plaintiffs;
- c. creating, displaying, erecting or printing any signage at or on any building or establishment which signage incorporates the Golden Krust name and/or Golden Krust Trademarks;
- d. using, disseminating or distributing any advertising, menus or other promotional materials that bear the Golden Krust name and/or Golden Krust Trademarks or whose appearance so resembles the Plaintiffs' intellectual property that it is likely to create confusion, mistake or deception among the general public; and
- e. otherwise engaging in any other acts or conducts which would cause consumers to erroneously believe that the Defendants' goods or services are somehow sponsored by, authorized by, franchised or licensed or in any other way associated with the Plaintiffs and/or Golden Krust.
- f. opening, operating, owning, managing, associating with, or otherwise controlling any restaurant or food service business at 1717 Dutch Broadway, Elmont, New York 11003;
- g. opening, operating, owning, managing, associating with, or otherwise controlling any restaurant or food service business within ten (10) miles of the Golden Krust Caribbean Bakery & Grill located at 1717 Dutch Broadway, Elmont, New York 11003; and

h. opening, operating, owning, managing, associating with, or otherwise controlling any restaurant or food service business within five (5) miles of any other Golden Krust Caribbean Bakery & Grill franchise.

IT IS HEREBY FURTHER ORDERED that a copy of this Order to Show Cause together with the papers upon which it was granted, shall be served upon the Defendants by on or before the _____ day of _____ 2013.

Dated: Brooklyn, New York
April ____, 2013

UNITED STATES DISTRICT COURT JUDGE